

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

December 11, 2009

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 09HD-147

Hawaii

Issuance of Revocable Permit to Hawaii Explosives & Pyrotechnics, Inc., Mauna Kea Beach Hotel, South Kohala, Hawaii Tax Map Key: (3) 6-2-2: portion seaward of 4.

APPLICANT:

Hawaii Explosives & Pyrotechnics, Inc., a Hawaii corporation.

LEGAL REFERENCE:

Section 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Ouli situated at Waimea, South Kohala, Hawaii, identified by Tax Map Key: (3) 6-2-2: portion seaward of 4, as shown on the attached map labeled Exhibit A.

AREA:

1,500 sq. ft., more or less.

ZONING:

State Land Use District:	Conservation
County of Hawaii CZO:	Unzoned beach adjacent to parcel with V-1.25 Resort Hotel zoning; also within Special Management Area

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Vacant and unencumbered.

CHARACTER OF USE:

Aerial fireworks display purposes.

TERM:

From 10:00 a.m. on 12/31/09 to 3:00 a.m. on 1/01/10.

RENTAL:

\$150.00 (10 cents per sq. ft. per day times 1,500 sq. ft.).

COLLATERAL SECURITY DEPOSIT:

None.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No.1, "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing."

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>X</u>	NO <u> </u>
Registered business name confirmed:	YES <u>X</u>	NO <u> </u>
Applicant in good standing confirmed:	YES <u>X</u>	NO <u> </u>

REMARKS:

Hawaii Explosive & Pyrotechnics, Inc. (Applicant) has requested a right-of-entry onto the

subject land for purposes of conducting its 2009 New Years Eve aerial fireworks display at Kauna'oa Beach near the Mauna Kea Beach Hotel. The specific location of the fireworks display firing site is shown on Exhibit B attached.

In past years, staff issued rights-of-entry to Applicant pursuant to the authority delegated by the Board of Land and Natural Resources at its meeting of September 28, 2001, Item D-4. Then in early 2009, Land Division instituted its permitting system for commercial activities on unencumbered State beaches. This system uses standard conditions that generally do not allow the placement of structures within the permit area. However, Applicant's fireworks display requires the use of a firing platform measuring about 10' x 50'. Accordingly, Applicant cannot secure the standard commercial beach permit for its fireworks display. In such situations, Land Division is submitting the requested use of public lands to the Board for approval as a revocable permit.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions. A revocable permit is more appropriate than a long-term disposition in light of the single date requested for the fireworks display.

No comments were solicited from other government or community agencies because there is no change to the use of the area from prior years.


There are no other pertinent issues or concerns. Staff has no objection to the request.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a revocable permit to Hawaii Explosives & Pyrotechnics, Inc. covering the subject area for aerial fireworks display purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - a. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
 - b. Review and approval by the Department of the Attorney General; and

- c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,


for Kevin E. Moore
District Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson



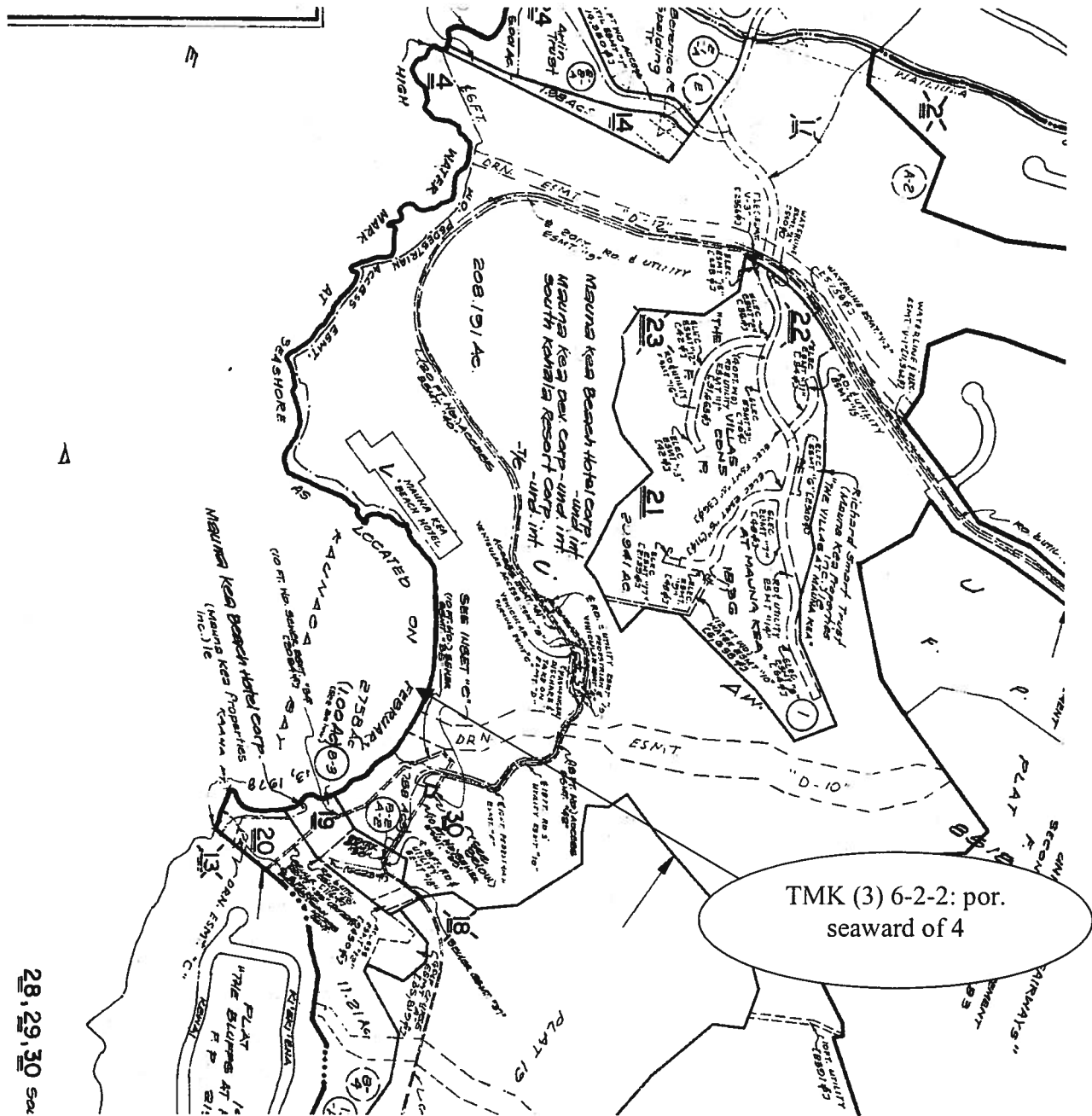
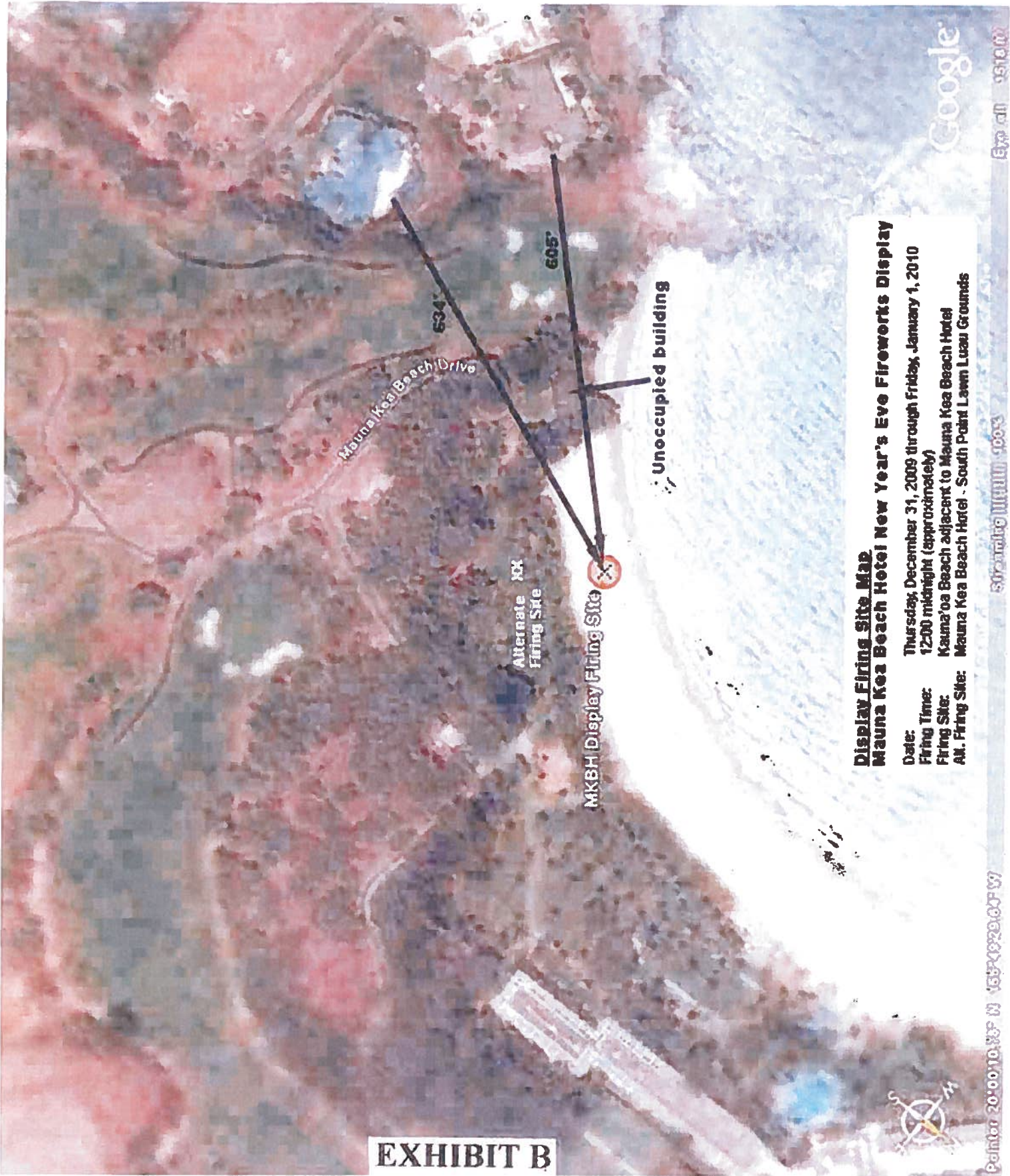


EXHIBIT A

EXHIBIT B



Display Firing Site Map Mauna Kea Beach Hotel New Year's Eve Fireworks Display

Date: Thursday, December 31, 2009 through Friday, January 1, 2010
Firing Time: 12:00 midnight (approximately)
Firing Site: Kauna'oa Beach adjacent to Mauna Kea Beach Hotel
Alt. Firing Site: Mauna Kea Beach Hotel - South Point Lawn Luau Grounds

Point: 20:00:10.83 N 157:09:29.00 W

05/10

05/10